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PATENT  
Docket No. 121492-3**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Irene (NMN) Spitsberg, et al

Group Art Unit: 1775

Serial No. 10/711,584

Examiner:


Filed: September 27, 2004

**BETA-PHASE NICKEL ALUMINIDE OVERLAY COATING AND PROCESS  
THEREFORE****SUBSTITUTE DECLARATION**Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Please find enclosed a Substitute Declaration and Power of Attorney. The  
Substitute document, now with original signatures, is otherwise identical to the electronic  
Declaration originally filed with the patent application.

Should the Examiner have any questions with respect to any matter now of  
record, Applicant's representative may be reached at (219) 462-4999.

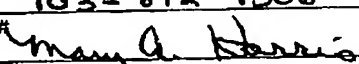
Respectfully submitted,

By   
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4 pages

I hereby certify that this document is being facsimile transmitted to the  
Patent and Trademark Office at the number below, on the date below:

703-872-9306 12/16/04  
Fax #  Date

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**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on this invention entitled:

**BETA-PHASE NICKEL ALUMINIDE OVERLAY COATING AND PROCESS THEREFOR**

the application of which

\_\_\_\_\_ is attached hereto

OR

X was filed on 09/27/04, as United States Application Number 10/711,584.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations §1.50.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or (f) or 365 (b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or §365 (a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below any foreign application for patent of inventor's plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

			Priority Claimed ?
_____ (Number)	_____ (Country)	_____ (Day/month/year filed)	<u>Y</u> <u>N</u>
_____ (Number)	_____ (Country)	_____ (Day/month/year filed)	<u>Y</u> <u>N</u>

\_\_\_\_\_ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto

I hereby claim the benefit under Title 35, United States Code §119 (e) of any United States provisional application(s) listed below.

_____ (Application Number)	_____ (Filing Date)
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\_\_\_\_\_ Additional provisional application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under Title 35, United States Code §120 of any United States Application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

As a named inventor, I hereby appoint the practitioners associated with Customer Number 30952; Ronald E. Myrick (Reg. No. 26,315), Henry J. Policinski (Reg. No. 26,621) and Scott R. Hayden, (Reg. No. 41,821) jointly, and each of them severally, my/our attorney(s) or agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alteration and amendments therein, to receive the patent and to transact all business in the Patent and Trademark Office connected therewith.

I hereby direct that all correspondence and telephone calls in connection with this application be addressed to Practitioners at Customer Number 30952.

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I hereby declare that all statements made herein of my own knowledge are true and that all states made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SOLE OR FIRST INVENTOR:

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Signature: Irene Spitsberg Date: 11/08/2004

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JDR 11/8/04

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## THIRD JOINT INVENTOR:

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I hereby declare that all statements made herein of my own knowledge are true and that all states made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## FOURTH INVENTOR:

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## FIFTH INVENTOR:

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First Name

Middle Name

Last Name

Signature: Date: NOV. 11, 2004Residence: Blue Ash, OH

City and State

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